



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20035

NOV 13 2007

VIA FIRST CLASS MAIL

The Honorable Joel A. Giambra
County Executive
95 Franklin Street
Buffalo, NY 14202

RE: Investigation of the Erie County Holding Center and the
Erie County Correctional Facility

Dear Mr. Giambra:

This is to inform you that the United States Department of Justice is commencing an investigation concerning allegations of use of excessive force by staff on inmates of the Erie County Holding Center ("ECHC") and the Erie County Correctional Facility ("ECCF") and allegations of inadequate medical treatment of ECHC and ECCF's inmates, pursuant to our authority under the Civil Rights of Institutionalized Persons Act, 42 U.S.C. § 1997 ("CRIPA").

In conducting the investigation, we are obliged to determine whether there are systemic violations of the Constitution of the United States at ECHC and ECCF. We have not reached any conclusions about the subject matter of the investigation.

We believe that you and other Erie County officials want to operate ECHC and ECCF consistent with the requirements of the Constitution. During the course of our investigation, we will consider all relevant information, particularly the efforts ECHC and ECCF have undertaken to ensure compliance with federal law. We also will offer to provide recommendations on ways to improve conditions in the use of force and medical care, when appropriate.

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If we conclude that there are not systemic violations of constitutional rights, we will notify you that we are closing the investigation. If, on the other hand, we conclude there are such violations, we will inform you of the findings and attempt to work with Erie County to remedy any such violations. In addition, we will identify any financial, technical, or other assistance the United States may be able to provide to assist the County in correcting the identified deficiencies.

In our experience in enforcing CRIPA, the good faith efforts of local jurisdictions working with us have enabled us routinely to resolve our claims without resort to contested litigation. We encourage Erie County, ECHC, and ECCF to cooperate with our investigation, and assure you that we will seek to minimize any potential disruption our efforts may have on the operations of ECHC and ECCF.

Our Special Litigation Section will be handling the investigation, and will contact County Attorney Laurence K. Rubin to discuss the next steps. The Chief of the Special Litigation Section, Shanetta Y. Cutlar, may be reached at (202) 514-6255.

Sincerely,

Rena Comisac/SCB

Rena J. Comisac
Acting Assistant Attorney
General

cc: Timothy B. Howard
Erie County Sheriff

George Zimmerman
Acting County Attorney
Erie County